

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Craig E Casher
Denise N Casher
Debtor(s)

Bankruptcy Case No.: 16-70863-JAD
Issued Per Feb. 17, 2017 Proceeding
Chapter: 13
Docket No.: 25 - 11
Concil. Conf.: July 6, 2017 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 17, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jul. 6, 2017 at 10:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Lakeview Loan Servicing c/o M&T Bank at Claim No. 2 .
- ☒ H. Additional Terms: The secured claim of AmeriCredit Financial at Claim No. 1 shall govern as to claim amount, to be paid at the modified plan terms in an amount to be determined by the Trustee.
Only counsel for a Johnstown Debtor(s) in the Johnstown area may participate in plan conciliation conferences by telephone. (Counsel for the Debtor outside of the Johnstown area may appear telephonically, ONLY IF Counsel for the Debtor is responsible for originating the telephone call to the Chapter 13 Trustee's meeting room, by calling, 412-258-3557 at the time

designated for the conciliation conference. If applicable as stated above, any party filing an objection to the plan must make arrangements with counsel for the Debtor to be included in the call, utilizing a third-party conference call service if necessary. The call shall not be placed to the Trustee's meeting room until AFTER all parties have been connected to the call. Only the parties who file and serve timely objections will be included in the telephonic hearing.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: February 23, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 5 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Craig E Casher
 Denise N Casher
 Debtors

Case No. 16-70863-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

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 Total Noticed: 37

Date Rcvd: Feb 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 25, 2017.

db/jdb +Craig E Casher, Denise N Casher, 222 Casher Lane, P.O. Box 102,
 Mineral Springs, PA 16855-0102
 14343263 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
 (address filed with court: AmeriCredit Financial Services, 801 Cherry Street, Suite 3900,
 Fort Worth, TX 76102)
 14344840 +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,
 Arlington, TX 76096-3853
 14343264 +Apex Asset Management, LLC, 2501 Oregon Pike, Suite 102, Lancaster, PA 17601-4890
 14343265 +Bank of America, P.O. Box 15019, Wilmington, DE 19886-5019
 14343266 +Chase, Cardmember Service, P.O. Box 15123, Wilmington, DE 19886-5123
 14343267 +Client Services, Inc., 3451 Harry Truman Blvd., Saint Charles, MO 63301-9816
 14343268 +Comenity Bank, P.O. Box 659465, San Antonio, TX 78265-9465
 14343269 +Comenity-Bon Ton, P.O. Box 659813, San Antonio, TX 78265-9113
 14343270 +Comenity-Victoria's Secret, P.O. Box 659728, San Antonio, TX 78265-9728
 14343271 +Credit Control Collections, 2410 Broad Avenue, Altoona, PA 16601-1940
 14343273 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Financial Services, c/o DFS Customer Care Dept.,
 P.O. Box 81577, Austin, TX 78708)
 14343274 +DuBois Regional Medical Center, P.O. Box 447, Du Bois, PA 15801-0447
 14343276 +KML Law Group, P.C., Attn: Rebecca A. Solarz, Esquire, 701 Market Street, Suite 5000,
 BNY Mellon Independence Center, Philadelphia, PA 19106-1541
 14343279 +Northland Group Inc., P.O. Box 390846, Minneapolis, MN 55439-0846
 14343280 #+Patenaude & Felix, A.P.C., c/o Gregg L. Morris, Esquire, 213 East Main Street,
 Carnegie, PA 15106-2701
 14343281 +Peebles/Comenity, P.O. Box 659465, San Antonio, TX 78265-9465
 14343282 +Penelec, P.O. Box 3687, Akron, OH 44309-3687
 14343283 +Penn Credit, 916 S. 14th Street, P.O. Box 988, Harrisburg, PA 17108-0988
 14343284 +Penn Highlands Brookville, 100 Hospital Road, Brookville, PA 15825-1367
 14343285 +Penn Highlands Clearfield, 809 Turnpike Avenue, P.O. Box 992, Clearfield, PA 16830-0992
 14343286 +Penn Highlands Medical Group, 100 Hospital Avenue, Du Bois, PA 15801-1440
 14343287 +SST, 4315 Pickett Road, P.O. Box 3997, Saint Joseph, MO 64503-0997
 14343294 +United Collection Bureau, Inc., 5620 Southwyck Blvd., Suite 206, Toledo, OH 43614-1501
 14343295 +University Orthopedic & Sports Medicine, 101 Regent Court, State College, PA 16801-7965

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/Text: electronicbkydocs@nelnet.net Feb 24 2017 01:37:06
 US Department of Ed c/o Nelnet, 121 S. 13th St, Suite 201, Lincoln, NE 68508-1911
 14343272 +E-mail/Text: hariasdiaz@creditmanagementcompany.com Feb 24 2017 01:37:14
 Credit Management Company, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
 14343277 +E-mail/Text: bnckohlnotices@becket-lee.com Feb 24 2017 01:36:38 Kohl's, P.O. Box 3043,
 Milwaukee, WI 53201-3043
 14343278 E-mail/Text: camanagement@mtb.com Feb 24 2017 01:36:42 M&T Bank,
 Lending Services, Customer Support, P.O. Box 900, Millsboro, DE 19966
 14356789 E-mail/Text: camanagement@mtb.com Feb 24 2017 01:36:42 M&T Bank, P.O. Box 840,
 Buffalo, NY 14240-0840
 14343288 +E-mail/PDF: gecsed@recoverycorp.com Feb 24 2017 01:33:28 Synchrony Bank/AEO,
 P.O. Box 530942, Atlanta, GA 30353-0942
 14343289 +E-mail/PDF: gecsed@recoverycorp.com Feb 24 2017 01:33:56 Synchrony Bank/Amazon,
 P.O. Box 960013, Orlando, FL 32896-0013
 14343290 +E-mail/PDF: gecsed@recoverycorp.com Feb 24 2017 01:33:28 Synchrony Bank/Care Credit,
 P.O. Box 960061, Orlando, FL 32896-0061
 14343291 +E-mail/PDF: gecsed@recoverycorp.com Feb 24 2017 01:33:28 Synchrony Bank/JC Penny,
 P.O. Box 960090, Orlando, FL 32896-0090
 14343292 +E-mail/PDF: gecsed@recoverycorp.com Feb 24 2017 01:33:28 Synchrony Bank/Pay Pal Smart Conn,
 P.O. Box 965005, Orlando, FL 32896-5005
 14343293 +E-mail/PDF: gecsed@recoverycorp.com Feb 24 2017 01:33:29 Synchrony Bank/Walmart,
 P.O. Box 530927, Atlanta, GA 30353-0927
 14366369 +E-mail/Text: electronicbkydocs@nelnet.net Feb 24 2017 01:37:06
 U.S. Department of Education C/O Nelnet, 121 S 13TH ST, SUITE 201, LINCOLN, NE 68508-1911
 TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Lakeview Loan Servicing, LLC
 cr* +Americredit Financial Services, Inc. dba GM Financ, PO Box 183853, Arlington, TX 76096-3853
 14348347* +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,
 Arlington, TX 76096-3853
 14343275 ##+DuBois Regional Medical Group, 300 East Main Street, Reynoldsville, PA 15851-1282
 TOTALS: 1, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-7

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Form ID: 149

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***** BYPASSED RECIPIENTS (continued) *****

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Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 25, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 23, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Lakeview Loan Servicing, LLC bkgroup@kmlawgroup.com
Kenneth P. Seitz on behalf of Debtor Craig E Casher thedebterasers@aol.com
Kenneth P. Seitz on behalf of Joint Debtor Denise N Casher thedebterasers@aol.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5